

Decision number:

015-2025

IN THE MATTER of Sale and Supply of Alcohol
Act 2012(the Act)

AND

IN THE MATTER of an application by the
**Darryl John Scott, James
Patrick Scott, Deborah
Clare Scott Partnership
("the licensee")** pursuant to
s127 of the Act for the
renewal of the **OFF Licence**
in respect of premises
situated at 33 Main Road,
Fox Glacier known as the
**"Cook Saddle Café &
Saloon."**

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

The partnership of Darryl John Scott, James Patrick Scott, Deborah Clare Scott ("the licensee") applies for the renewal of the OFF Licence in respect of premises situated at 33 Main Road, Fox Glacier known as the **"Cook Saddle Café & Saloon."**

The business is an on-licensed tavern with an 'across the bar' off licence. They offer food, and alcohol to the locals, tourists and tour parties.

The current days and hours for off sales are **Monday to Sunday 9.00am to 11.00pm. No changes are sought.**

These hours are within the maximum default national maximum trading hours for OFF licensed premises.

The application was publicly notified on the council website from the 13th of December 2023. No objections were received from members of the public.

The base licence expired on the 3rd of January 2024 some 14 months ago.

Reasons for the Decision

Initially both the Police and the Medical Officer of Health raised matters in opposition. Issues included lack of Police resources, excessive trading hours, insufficient managers on site and difficulties overseeing the whole of the licensed area.

Discussions and delays have been ongoing and the DLC proposed that a hearing be held to resolve the issues.

Both the Police and the MOoH have now withdrawn their opposition but invite the DLC to clarify a number of issues around certificated managers and operating hours.

We propose to issue a preliminary decision containing some discretionary conditions that we think are appropriate for this style of business. The applicant will have a choice of accepting our decision or the matter will be set down for hearing for the receiving of evidence.

Firstly, we discuss the matters raised by the Police and the MOoH.

In regard to Police resourcing due to the isolated location of the premises the Inspector is correct in saying it is not a matter we can take into account. But in saying that, it does create a greater onus on the applicant to ensure they have policies and staffing in place to be self-sufficient and self-policing to a large extent.

There must be sufficient certificated managers appointed to the business to ensure that there is always a manager on duty **within the public areas** of the licensed area, i.e. in the bar or restaurant area. Not out in the kitchen or elsewhere.

We also advise that to continue to hold the OFF Licence this premises must operate primarily as a tavern not a restaurant with the sale of alcohol being the principal revenue stream. If that is not the case the Off Licence should be surrendered.

We require that audited trading figures be proved to the DLC at the next renewal if the OFF Licence is to be maintained.

All across the bar off sales must take place at the Main bar.

Overall, the inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

Subject to the above, I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act.

I deal with the application on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Darryl John Scott, James Patrick Scott, Deborah Clare Scott Partnership** (“the licensee”) for the renewal of the OFF Licence in respect of premises situated at 33 Main Road, Fox Glacier known as the “Cook Saddle Café & Saloon” subject to conditions.

We refresh the licence conditions to reflect best practice.

Conditions:

The OFF licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:

Monday to Sunday 9.00am to 11.00pm;

2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
 3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
 4. The following part of the premises is designated as **Supervised Area at all times: The Bar. All off sales must take place at the Bar.**
 5. **A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;**
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6. The Licensee must display:

- a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
- b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
- c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;

The renewal will be for three years from the expiry of the current licence i.e. 3 January 2024 and a replacement licence is to be issued.

DATED at Hokitika this 7th of March 2025



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

